

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ALEXANDRIA FERNANDES,

Plaintiff,

-v-

GARY A. HERJO and JOHN DOE,

Defendants.

CIVIL ACTION NO.: 23 Civ. 3078 (GHW) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On April 13, 2023, Defendant Gary A. Herjo (“Mr. Herjo”) removed this action from New York State Supreme Court, New York County, claiming, inter alia, that “diversity of citizenship exists” between the parties. (ECF No. 1 ¶ 13). Mr. Herjo stated that, “[a]t the time the Complaint was filed,” he was “a resident of the State of New Jersey” and Plaintiff Alexandra Fernandes (“Ms. Fernandes”) “was a resident of the State of New York.” (Id. ¶¶ 14–15; see ECF No. 15 at 2 ¶ 3 (parties stating their “residen[ces]” as the basis for the Court’s subject matter jurisdiction)).

“An individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile[,]” i.e., “the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.” Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000). “[R]esidence alone is insufficient to establish domicile for jurisdictional purposes.” Van Buskirk v. United Grp. of Companies, Inc., 935 F.3d 49, 53 (2d Cir. 2019).

Accordingly, to ensure the Court's subject matter jurisdiction over this action, by **June 9, 2023**, Mr. Herjo's counsel shall file a declaration stating each party's place of domicile.

Dated: New York, New York
June 5, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge